

REMARKS

This preliminary amendment is filed with a Request for Continued Examination. A Notice of Appeal was filed on September 4, 2002. The Examiner's attention is also directed towards the comments filed in the August 7, 2002 Response regarding the rejection of the claims under 35 U.S.C. § 112, first paragraph. These comments clearly detailed why Applicant asserts that the claims are fully enabled by the specification, and why Applicant requested that the rejections should be withdrawn.

Claim 6 is amended to correct an error inadvertently introduced in the Response to Final Office Action filed on August 7, 2002.

For the Examiner's convenience, a list of currently pending claims is attached at the end of this document.

Applicant does not believe that any fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Howrey Simon Arnold & White, LLP Deposit Account No. 01-2508/13240.0004.NPUS00/BNT.

Respectfully submitted,



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September 27, 2002

Preliminary Amendment

Marked up version of rewritten claim amended in this Response

6. (Three times amended) The kit of claim 4, wherein:
the polypeptide having an amino acid sequence homology of 90% or more with SEQ ID
NO:1 is selected from human, bovine, porcine, or rat HMG-1; and
the polypeptide having an amino acid sequence homology of [90%] 80% or more with
SEQ ID NO:2 is selected from human, bovine, porcine, chicken, mouse, or rat
HMG-2.